

05-15-02

CPA/1600
5-17-02P E
MAY 13 2002
PATENT & TRADEMARK OFFICE
U.S. DEPARTMENT OF COMMERCE

CONTINUED PROSECUTION APPLICATION (CPA)

REQUEST TRANSMITTAL

(only for Continuation or Divisional applications under 37 CFR 1.53(d))

Submit an original and a duplicate for fee processing

Docket No.: P-SR 4301

Prior Application Info:
Examiner: K. Lacourciere
Group/Art Unit: 1635Check box, if applicable:
 DUPLICATEAddress to: COMMISSIONER FOR PATENTS
Box CPA
Washington, D.C. 20231

RECEIVED

MAY 17 2002

TECH CENTER 1600/2900



CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 065746661 US

DATE OF DEPOSIT: May 13, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231.

James Hoch
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)Veronique Dartois
(SIGNATURE OF PERSON MAILING PAPER OR FEE)This is a request for filing a
— continuation divisional

application under 37 C.F.R. 1.53(d), of pending prior application serial no. 09/557,796, filed on April 25, 2000.

Title: METABOLIC SELECTION METHODS

Inventor(s) (full name of each inventor): James Hoch and
Veronique Dartois

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this request for a CPA. The above-identified prior application is a non-provisional application that is either: (1) complete as defined by 37 CFR 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A CPA may only be filed in an application if the prior nonprovisional application was filed before May 29, 2000.

1. Enter the unentered amendment previously filed on _____ under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. Small entity status:
 - a. A small entity statement is enclosed.
 - b. A small entity statement was filed in the prior nonprovisional application, serial no. _____, and such status is still proper and desired.
 - c. is no longer claimed.
4. The prior application is assigned of record to MICROGENOMICS, INC.

05/16/2002 CV0111 00000094 09557796

01 FC:131
02 FC:103740.00 OP
54.00 OP

Inventors: Hoch and Dartois
Serial No.: 09/557,796
Filing Date: April 25, 2000
Page 2

5. The power of attorney in the prior application is to Cathryn Campbell, Reg. No. 31,815 and Melanie K. Webster, Reg. No. 45,201.

6. A new power of attorney or authorization of agent is enclosed.

7. This application is filed by fewer than all the inventors named in the prior application (37 CFR 1.53(d)(4)).
a. DELETE the following inventor(s) in the prior nonprovisional application: _____
b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

8. A return receipt postcard is enclosed.

9. A Patent Application Bibliographic Data Sheet is enclosed.

10. Receipt for Facsimile Transmitted CPA (PTO/SB/29A) is enclosed.

11. Request for Nonpublication and Certification is enclosed.

The filing fee is calculated below:

	NUMBER FILED		NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS	23 - 20	=	3	x	\$9 \$18	\$54.00
INDEPENDENT CLAIMS	2 - 3	=	0	x	\$42 \$84	0
MULTIPLE DEPENDENT CLAIMS	_____ YES	XX	NO		\$140 \$280	0
BASIC FEE					\$370 \$740	\$740.00
TOTAL FEE						\$794.00

12. A check in the amount of \$794.00 is enclosed.

13. The filing fee is not enclosed. Do not charge our deposit account.

14. The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

15. The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Inventors: Hoch and Dartois
Serial No.: 09/557,796
Filing Date: April 25, 2000
Page 3

Address all future communications to:

Cathryn Campbell
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, California 92122
telephone: (858) 535-9001
facsimile: (858) 535-8949
USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: May 13, 2002

Melanie K. Webster
Melanie K. Webster
Registration No. 45,201
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122

inventor(s)

attorney or agent of record

assignee of complete
interest

filed under Sec. 1.34(a)



#17C
5-17-02
TECH CENTER 1600/2900
MAY 17 2002
FIVE

PATENT
Our Docket: P-SR 4301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hoch and Dartois) Examiner: K. Lacourciere
Serial No.: 09/557,796) Group Art Unit: 1635
Filed: April 25, 2000) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
For: METABOLIC SELECTION METHODS) "EXPRESS MAIL" MAILING LABEL NUMBER: EV 06 5746661 US

Box CPA) DATE OF DEPOSIT: May 13, 2002
Commissioner for Patents)
Washington, D.C. 20231) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS
ADDRESSED TO: COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231.

Sir:

Brian H
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)
Brian H
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

PRELIMINARY AMENDMENT

Responsive to the final Office Action mailed February 13, 2002, entry of the following amendments and consideration of the following remarks are respectfully requested.

AMENDMENTS

In the specification:

Please amend the specification at page 1, line 6, to insert the following two sentences:

--This invention was made with government support under Cooperative Agreement 70NANB5H1138 and ATP NIST Project Identification Number 1995-05-0007E awarded by the Advanced



Document: PATENT APPLICATION
BIBLIOGRAPHIC DATA SHEET
Attorney Docket No.: P-SR 4301

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 065746661 US

DATE OF DEPOSIT: May 13, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Brian Ho
Printed Name of Person Mailing Paper or Fee

Brian Ho
Signature of Person Mailing Paper or Fee